

Appendix A

Public Notice 07-88A

Page intentionally blank



**US Army Corps
of Engineers.**

Public Notice

Public Notice No. 07-88A

Date: October 12, 2007

Nashville District

Application No. 200702061

Expires: November 11, 2007

Please address all comments to: Regulatory Branch, 3701 Bell
Road, Nashville, TN 37214-2660; ATTN: Travis Wiley

JOINT PUBLIC NOTICE
US ARMY CORPS OF ENGINEERS
and
Tennessee Valley Authority

SUBJECT: Revision of Original Public Notice 07-88, Proposed
Construction of Three Floating Community Dock Structures at
Watauga River Mile 7.2 R, Boone Lake, Sullivan County, Tennessee
(The Cliffs Subdivision)

TO ALL CONCERNED: Public Notice 07-88 was posted on October 9,
2007, and stated incorrectly that the following project had
already been approved by Tennessee Valley Authority (TVA). The
proposed project has not been approved by TVA. Therefore, this
revised version of the original public notice is sent to clarify
the current situation. The application described below has been
submitted for a Department of the Army Permit pursuant to **Section
10 of the Rivers and Harbors Act of 1899 (33 USC 403)**.

APPLICANT: RPT Partnership
P.O. Box 4806
Johnson City, TN 37602

LOCATION: Watauga River Mile 7.2 R, Boone Lake, Sullivan County,
Tennessee, (Latitude 36.4082; Longitude -82.3755; Boone Dam, TN
USGS Quadrangle)

DESCRIPTION: The proposed work consists of three floating
community dock structures. Each floating dock would have 10 dual
slips intended to provide moorage for 20 boats. The slips would
measure 30' long (24' docking space) by 20' wide with 4' walkways.
Measurements for each floating dock would be 244' x 30'. A 40' x
4' floating walkway would attach to each dock and tie directly
into the shoreline. All three floating docks would parallel the
shoreline. The docks would be constructed with aluminum framing,
decking and roofing and encapsulated foam flotation. At the
proposed location, Boone Lake is approximately 600' wide. The
structures would be used to provide moorage to a total of 60
homeowners within The Cliffs Subdivision. Plans of the proposed
work and a location map are attached to this notice.

Public Notice No. 07-88A

File No. 200702061

The decision whether to issue a permit will be based on an evaluation of the probable impacts including cumulative impacts of the activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefit which reasonably may be expected to accrue from the work must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the work will be considered including the cumulative effects thereof; among those are conservation, economics, aesthetics, general environmental concerns, wetlands, cultural values, fish and wildlife values, flood hazards, floodplain values, land use, navigation, shore erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, considerations of property ownership, and, in general, the needs and welfare of the people.

The Corps of Engineers is soliciting comments from the public; federal, state, and local agencies and officials; Indian Tribes; and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps of Engineers to determine whether to issue, modify, condition, or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

An Environmental Assessment will be prepared by this office prior to a final decision concerning issuance or denial of the requested Department of the Army Permit.

The Regulatory Branch Archeologist conducted a file search at the Tennessee Division of Archaeology (TN DOA). Based on the file search conducted at the TN DOA, the Corps has determined that the project, as proposed, has no potential to affect historic properties eligible for listing in the National Register of Historic Places. This review constitutes the full extent of cultural resources investigations unless comment to this notice is received documenting that significant sites or properties exist which may be affected by this work, or that adequately documents that a potential exists for the location of significant sites or properties within the permit area. Copies of this notice are being sent to the office of the State Historic Preservation Officer.

Public Notice No. 07-88A

File No. 200702061

Based on available information, the proposed work will not destroy or endanger any federally-listed threatened or endangered species or their critical habitats, as identified under the Endangered Species Act. Therefore, we have reached a no effect determination and initiation of formal consultation procedures with the US Fish and Wildlife Service is not planned at this time.

Other federal, state, and/or local approvals required for the proposed work include Tennessee Valley Authority (TVA) approval under Section 26a of the TVA Act. In addition to other provisions of its approval, TVA would require the applicant to employ best management practices to control erosion and sedimentation, as necessary, to prevent adverse aquatic impacts.

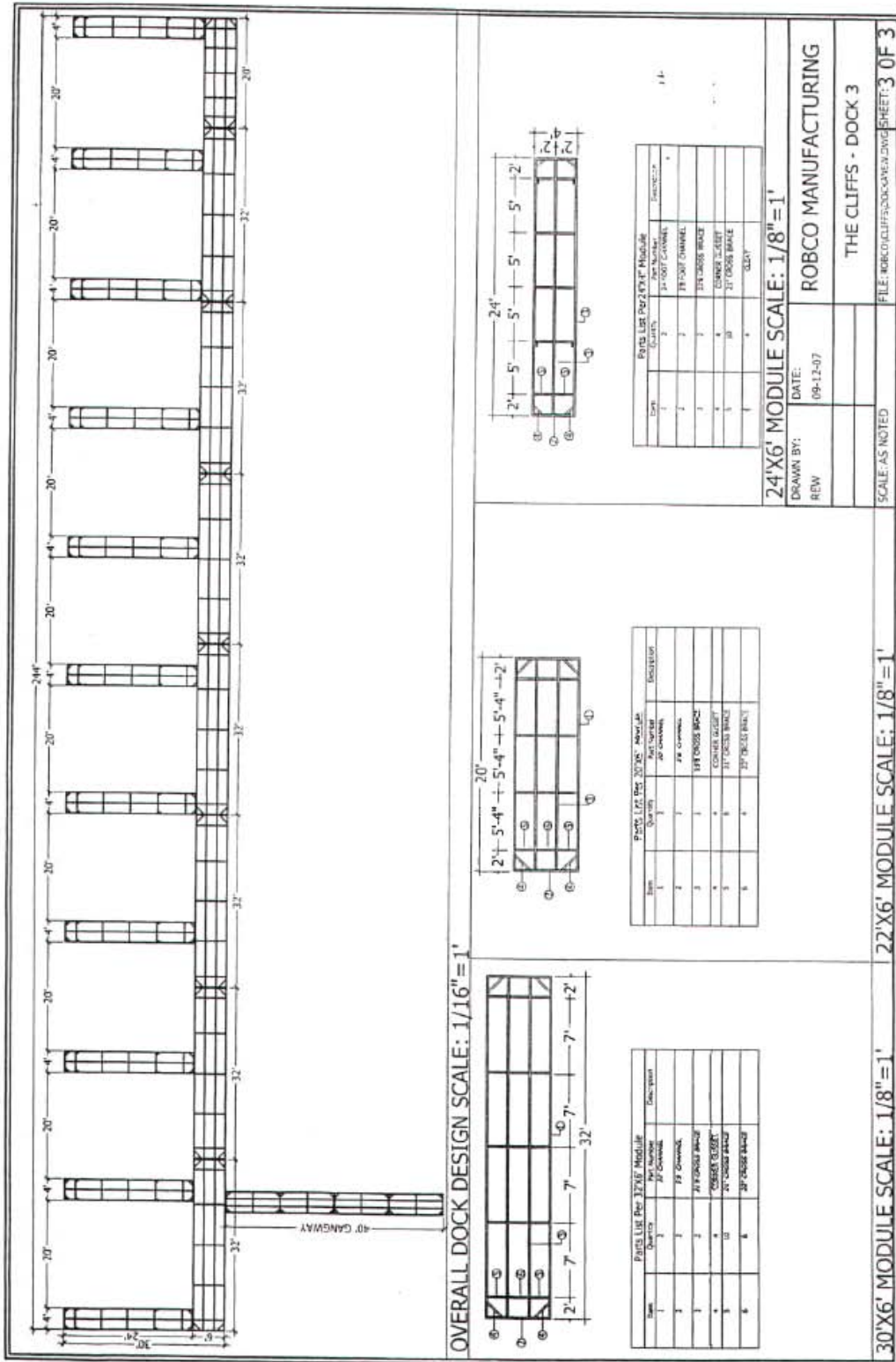
Any person may request, in writing, within the comment period specified in this notice, that a public hearing be held to consider this application. Requests for public hearings shall state, with particularity, the reasons for holding a public hearing.

Written statements received in this office on or before **November 11, 2007** will become a part of the record and will be considered in the determination. Any response to this notice should be directed to the Regulatory Branch, Attention: Travis Wiley, at the above address, telephone (615) 369-7513.

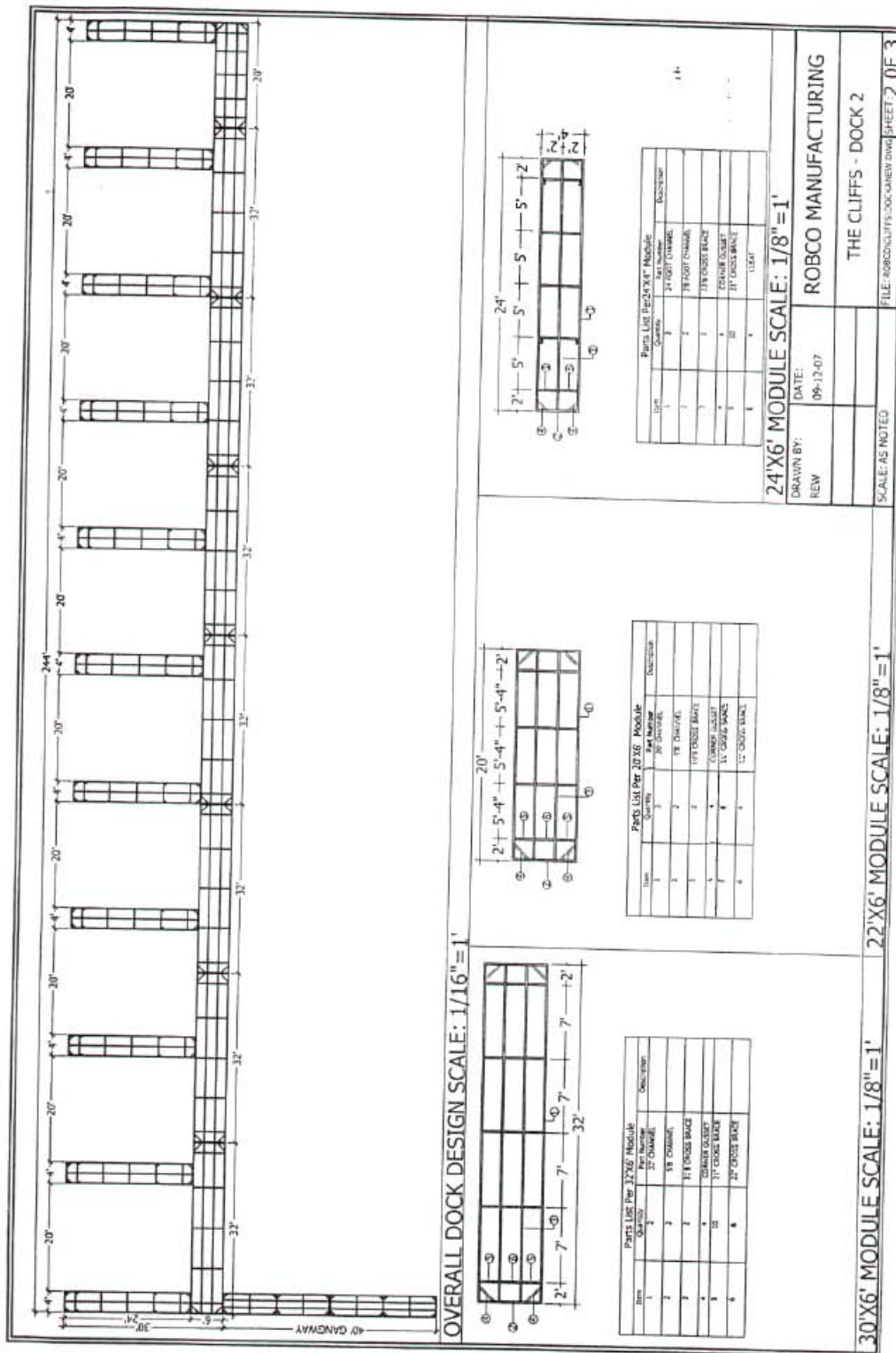
If you received this notice by mail and wish to view all of the diagrams, visit our web site at:
<http://www.lrn.usace.army.mil/cof/notices.htm>, or contact Mr. Wiley at the above address or phone number.

RPT Partnership
Proposed Community Dock Project for The Cliffs Subdivision
File No. 200702061 Public Notice No. 07-88





RPT Partnership
Proposed Community Dock Project
File No. 200702061
Public Notice No. 07-88



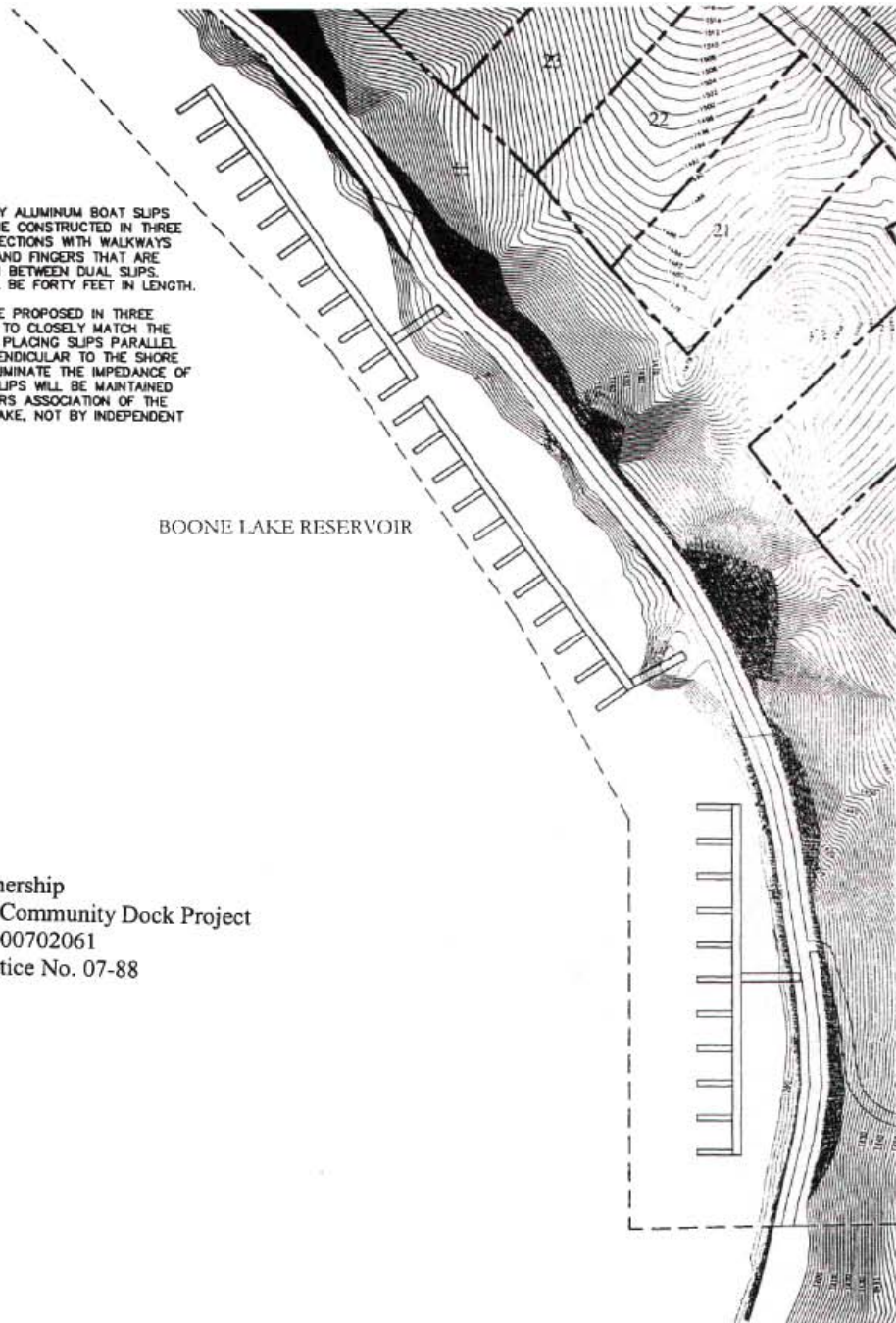
RPT Partnership
Proposed Community Dock Project
File No. 200702061
Public Notice No. 07-88

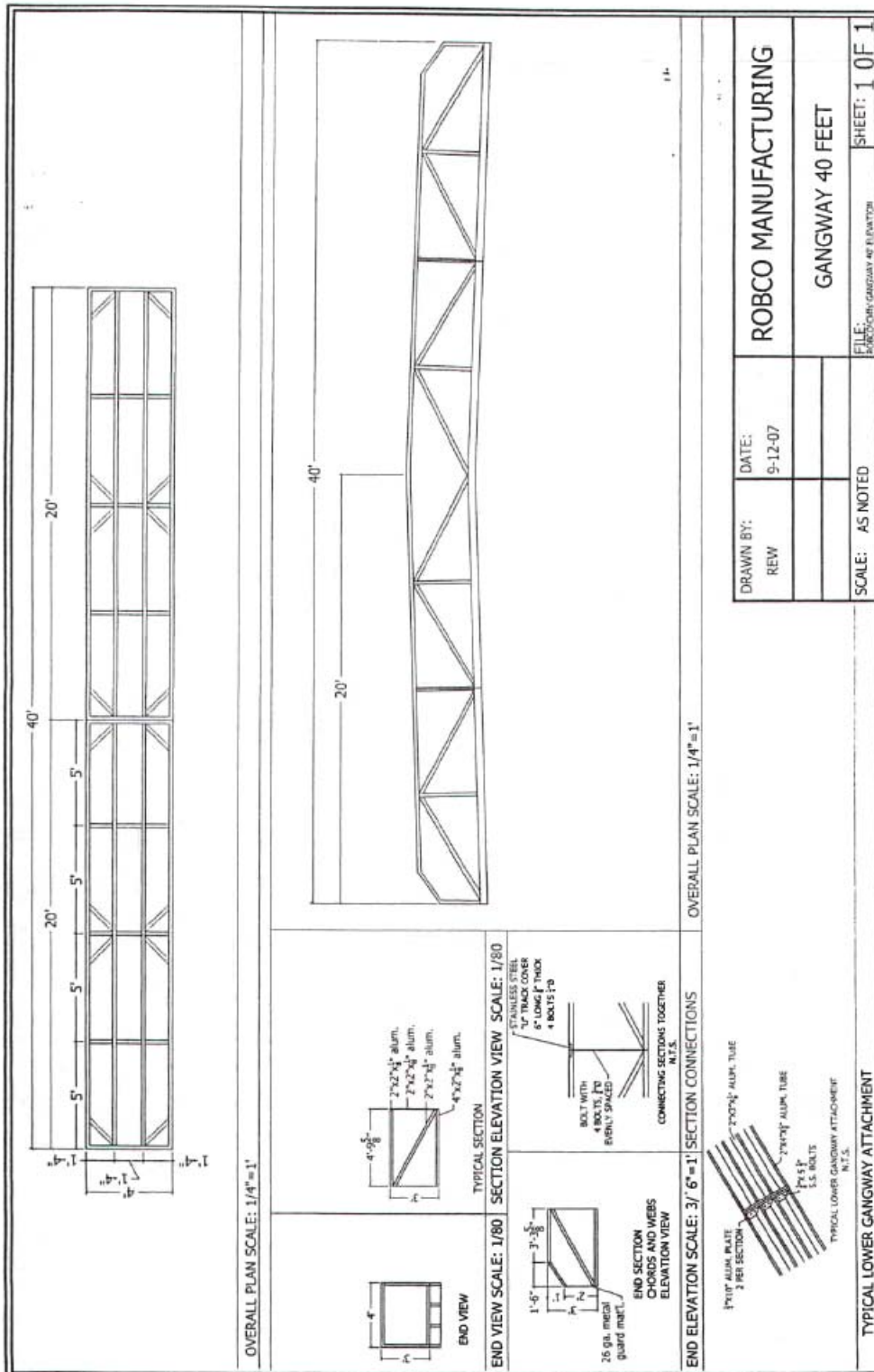
THE PROPOSED SIXTY ALUMINUM BOAT SLIPS ARE EXPECTED TO BE CONSTRUCTED IN THREE FLOATING 20 SLIP SECTIONS WITH WALKWAYS SIX FEET IN WIDTH AND FINGERS THAT ARE FOUR FEET IN WIDTH BETWEEN DUAL SLIPS. THE GANGWAYS WILL BE FORTY FEET IN LENGTH.

THE BOAT SLIPS ARE PROPOSED IN THREE SECTIONS IN ORDER TO CLOSELY MATCH THE NATURAL TERRAIN. PLACING SLIPS PARALLEL RATHER THAN PERPENDICULAR TO THE SHORE WILL MINIMIZE OR ELIMINATE THE IMPEDANCE OF NAVIGATION. THE SLIPS WILL BE MAINTAINED BY THE HOME OWNERS ASSOCIATION OF THE CLIFFS ON BOONE LAKE, NOT BY INDEPENDENT HOME OWNERS.

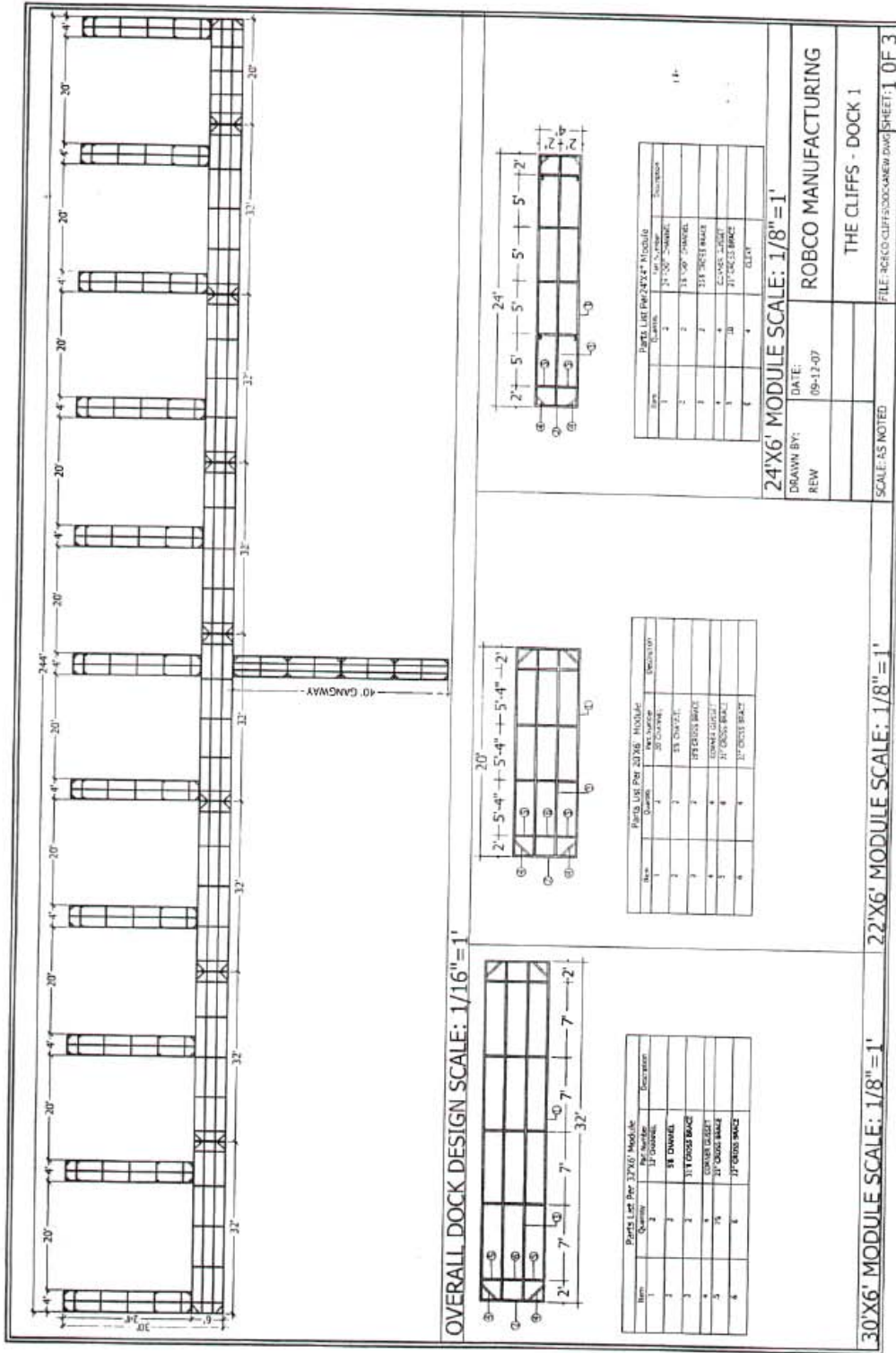
BOONE LAKE RESERVOIR

RPT Partnership
Proposed Community Dock Project
File No. 200702061
Public Notice No. 07-88





RPT Partnership
Proposed Community Dock Project
File No. 200702061
Public Notice No. 07-88



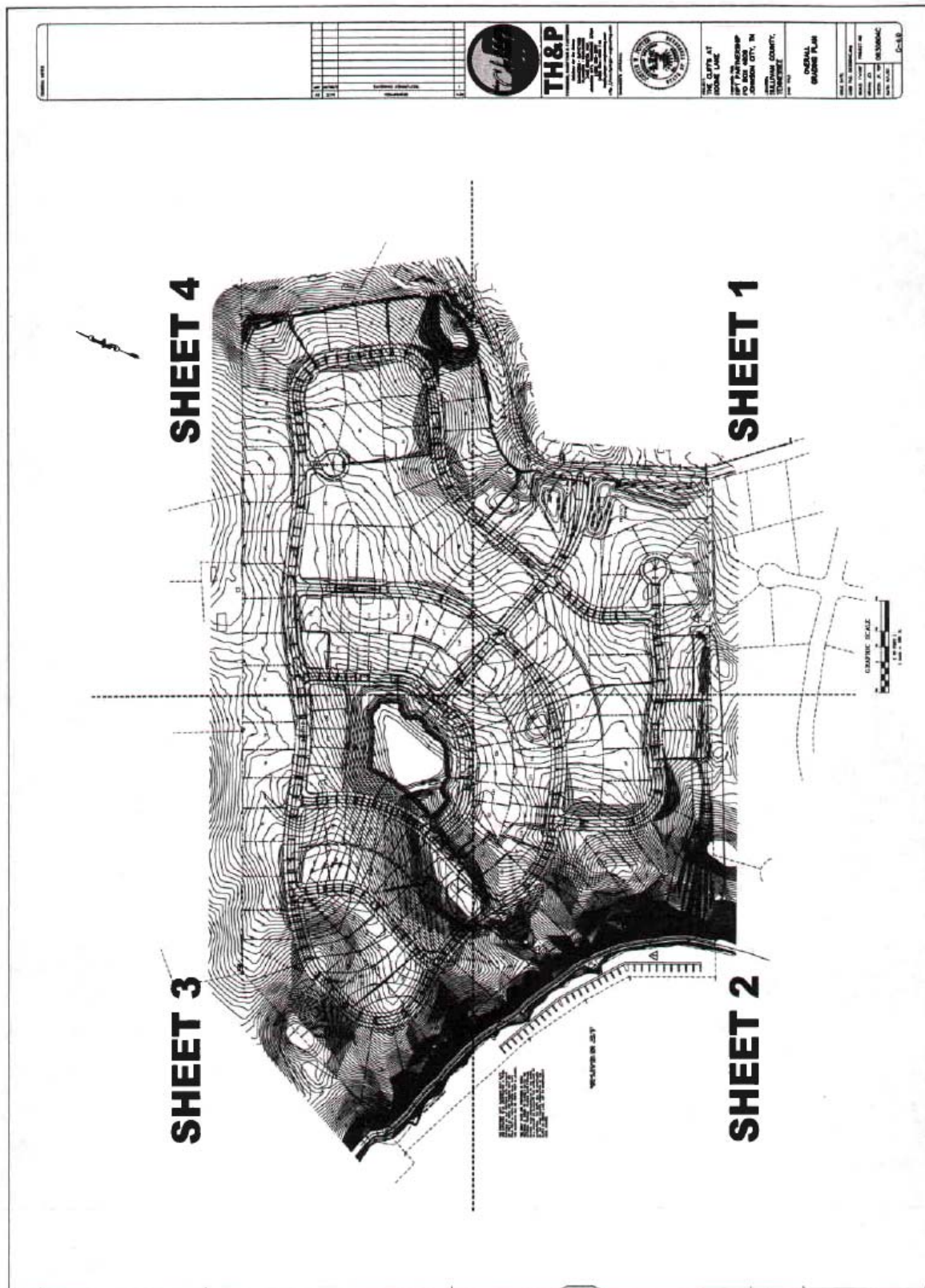
RPT Partnership
Proposed Community Dock Project
File No. 200702061
Public Notice No. 07-88

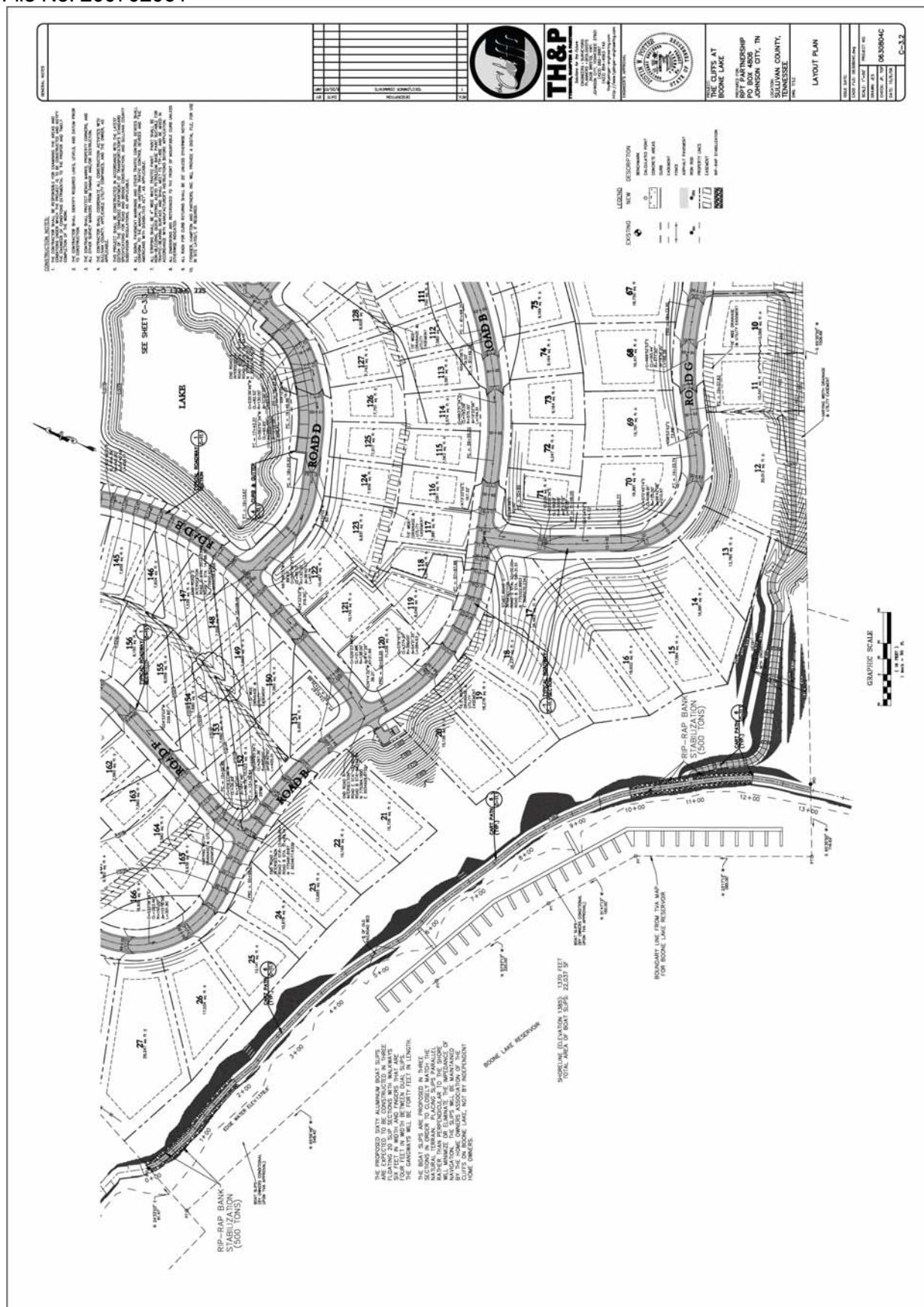
Page intentionally blank

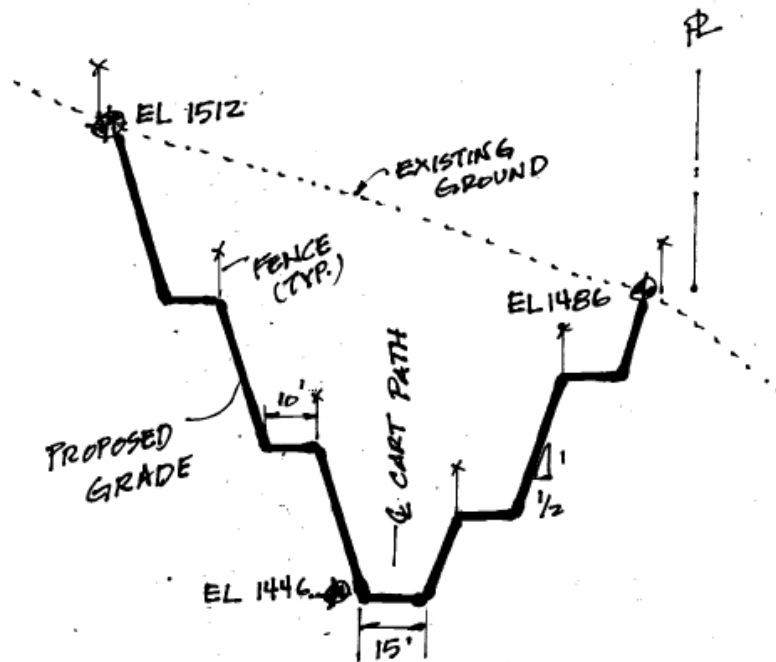
Appendix B

Preliminary Cart Path Grade and Shoreline Stabilization Locations

Page intentionally blank







SECTION A-A
NTS.

Appendix C
Site Inspection and Photographs

Page intentionally blank

MEMORANDUM FOR RECORD

30 November 2007

SUBJECT: FN 200702061 Site Visit to Proposed Community Dock Location for The Cliffs Subdivision

DATE: 29 November 2007

1. A site visit was completed to determine existing environmental conditions and layout of proposed structure in relation to size of main channel of Boone Lake at subject location.
2. Site was accessed by water. David Robinson and I visited the site by parking a boat at several sites along the shoreline and walking to different points along the proposed development. No construction has begun on shoreline at the proposed site.
3. Shoreline throughout the area for the proposed community docks is lined with woody vegetation consisting mainly of oak, cedar, and sycamore trees. No evidence of springs or wetlands was found during the inspection.
4. Pictures are attached that show site conditions and also show dimensions of the lake where the docks are proposed.
5. The site visit did not reveal any issues or areas of concern regarding processing of the request or issuance of the permit.

Travis Wiley
Project Manager
Regulatory Branch



Approximate upstream end of Dock C.
Approximately 627' across lake at this point.



Approximate upstream end of Dock B. Lake is approximately 606' wide at this point



Approximate upstream end of Dock A. Lake is approximately 639' wide at this point.



Location of upstream property boundary line.

Page intentionally blank

Appendix D
Public Notice Responses

Page intentionally blank



TENNESSEE HISTORICAL COMMISSION
DEPARTMENT OF ENVIRONMENT AND CONSERVATION
2941 LEBANON ROAD
NASHVILLE, TN 37243-0442
(615) 532-1550

October 16, 2007

Mr. Travis Wiley
U.S. Army Corps of Engineers, Nashville District
Regulatory Branch
3701 Bell Road
Nashville, Tennessee 37214

RE: COE-N, PN# 07-88A/DOCK/WATAUGA RM 7.2R, UNINCORPORATED,
SULLIVAN COUNTY

Dear Mr. Wiley:

The Tennessee State Historic Preservation Office has reviewed the above-referenced undertaking received on Tuesday, October 16, 2007 for compliance by the participating federal agency or applicant for federal assistance with Section 106 of the National Historic Preservation Act. The Procedures for implementing Section 106 of the Act are codified at 36 CFR 800 (Federal Register, December 12, 2000, 77698-77739).

After considering the documentation submitted, we concur that there are no National Register of Historic Places listed or eligible properties affected by this undertaking. This determination is made either because of the location, scope and/or nature of the undertaking, and/or because of the size of the area of potential effect; or because no listed or eligible properties exist in the area of potential effect; or because the undertaking will not alter any characteristics of an identified eligible or listed property that qualify the property for listing in the National Register or alter such property's location, setting or use. Therefore, this office has no objections to your proceeding with the project.

If your agency proposes any modifications in current project plans or discovers any archaeological remains during the ground disturbance or construction phase, please contact this office to determine what further action, if any, will be necessary to comply with Section 106 of the National Historic Preservation Act. You may direct questions or comments to Jennifer M. Barnett (615) 741-1588, ext. 105. This office appreciates your cooperation.

Sincerely,

A handwritten signature in cursive script, reading "E. Patrick McIntyre, Jr.", is written in dark ink.

E. Patrick McIntyre, Jr.
Executive Director and
State Historic Preservation Officer

EPM/jmb

18 OCT 2007

RPT Partnership Proposed Community Dock Project for The Cliffs Subdivision



0.25 0.125 0 0.25 0.5 0.75 Miles

**Regulatory Branch
Attention: Travis Wiley
Date: 10/25/07**

I write this letter with great urgency as I have just become aware of the development of The Cliffs on Boone Lake subdivision and its proposed boat slips.

I live across the lake from the proposed subdivision and I must express my concern for further narrowing this already narrow main channel.

My two main concerns are safety and property damage. This channel is extremely congested with many boats and personal water crafts causing very turbulent water with waves up to three feet high. This presents a danger from a navigation standpoint and the possibility of damage for any water craft anchored to a floating dock.

**Please reconsider the proposal of a structure sticking out 70 feet into the lake and being at least 120 feet long.
The main channel is NO place for marina.**

Sincerely,

**Glenn and Beverly Davis
238 Lake Meadow Drive
Gray, Tennessee 37615**

29 OCT 2007

November 28, 2007

Ms. Konnie Lewis
Land Use Technician
106 Tri-Cities Business Park Drive
Gray, TN 37615-3815

Dear Ms Lewis:

We write to express our concerns with and opposition to a proposed construction of three floating community dock structures at **Watauga River Mile 7.2 R, Boone Lake, Sullivan County Tennessee**. These dock structures are proposed as a portion of The Cliffs Subdivision. After examination of the **Public Notice number 07 – 88A** and attending a neighborhood discussion of said project, **we do not believe construction of docks at this portion of the river is justified or reasonable.**

The site on Watauga River where these docks are proposed **is not wide enough** to accommodate safely these extensions into the main channel. The **increased boat traffic** in conjunction with current usage would **promote dangerous conditions.**

The site on Watauga River where these docks are proposed is one of the most beautiful stretches on the entire stream. **The high stone bluff and the accompanying abundant vegetation provide considerable esthetic and ecologic value.** A disruption of this environment by the proposed docks is just one more step toward unnecessarily urbanizing our last scenic places. Along any natural waterway, especially as beautiful as the Watauga, significant stretches should be left as undisturbed as possible. There simply is no reasonable or logical need to have every square foot or linear mile of any river lined with human structures.

The site on Watauga River where these docks are proposed now adds **significant intrinsic property value for homeowners in the immediate area**, especially those living directly across from the proposed project. **Increased noise levels, increased river traffic, decreased safety, replacement of native vegetation by ramps, walkways and steps will significantly degrade the whole environment.**

We have confidence that "the system" does not always have to award developments that appear to be good ideas for a few citizens. We also have confidence that preservation of the values noted above will prevail as decision makers look toward futuristic ways to benefit the greater good of our important environments. Please consider our recommendation for *no* construction at all on this portion of the river.

Respectfully,

James F. and Marcella R. Payne
242 Lake Meadow Drive, Johnson City TN 37615

November 6, 2007

Mr. Travis Wiley
Regulatory Branch
3701 Bell Road
Nashville, TN 37214-2660

Dear Mr. Wiley:

We write to express our concerns with and opposition to a proposed construction of three floating community dock structures at **Watauga River Mile 7.2 R, Boone Lake, Sullivan County Tennessee**. These dock structures are proposed as a portion of The Cliffs Subdivision. After examination of the **Public Notice number 07 – 88A** and attending a neighborhood discussion of said project, we do not believe construction of docks at this portion of the river is justified or reasonable.

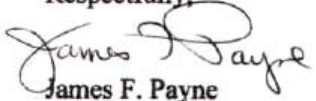
The site on Watauga River where these docks are proposed is not wide enough to accommodate safely these extensions into the main channel. The increased boat traffic in conjunction with current usage would promote dangerous conditions.

The site on Watauga River where these docks are proposed is one of the most beautiful stretches on the entire stream. The high stone bluff and the accompanying abundant vegetation provide considerable esthetic and ecologic value. A disruption of this environment by said construction is just another step toward unnecessarily urbanizing our last scenic places.

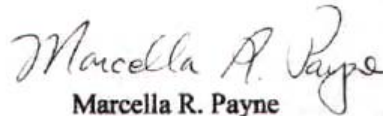
The site on Watauga River where these docks are proposed adds significant intrinsic property value for homeowners in the immediate area, especially those living directly across from the proposed project. Increased noise levels, increased river traffic, decreased safety, replacement of native vegetation by ramps, walkways and steps will significantly degrade the whole environment.

We have confidence that “the system” does not always have to award developments that appear to be good ideas for a few citizens. We have confidence that preservation of the values noted above will prevail as decision makers look toward futuristic ways to benefit the greater good of our important environments. We recommend no construction at all on this portion of the river.

Respectfully,


James F. Payne
242 Lake Meadow Drive
Johnson City, TN 37615

and


Marcella R. Payne

08 NOV 2007

7TW
or
11/12

To: Travis Wiley/Regulatory Branch
3701 Bell Rd
Nashville, TN 37214-2660

From: William Pollock
169 Jamestown Dr.
Piney Flats, TN 37686

Subject: PN No. 07-88A – Application No. 200702061
Three Floating Dock Structures
Watauga River Mile 7.2, Boone Lake, Sullivan Co.

To Whom It May Concern:

This 60 slip dock proposal is a very upsetting circumstance. Boone Lake is being depleted of what **aesthetic beauty** is left and this would be a big **"eye sore"** on one section that still creates a nice view for residents of both Lake Meadow's subdivision as well as private dock owners in Jamestown Estates. We built in this area due to the preservation of the beauty of the lake and the thought of 60 aluminum boat slips lining the view we purchased with our land is very disconcerting.

Safety needs to be of very high consideration when making this decision. The builders of the proposed structure evidently are not concerned with this and/or are ignorant of the traffic on Boone Lake and the location they are building. This section of the lake is a main channel. It is the only passageway for boats to get from the Sullivan County, or west, side of the lake where spots like Lakeview Marina, Jay's Boat Dock, and Boone Dam are located to the Washington County side where busy spots like Sonny's Marina and Winged Deer Park are located. This section where the structure would be located **is narrow for this traffic as** it is. Also, the side where the structure would be has a shallow point at the end of Baywood Dr. that boaters must swing wide to avoid. This coupled with the water area the structure would consume would be a recipe for **unsafe boating conditions**. In addition considering the structure will be on the main river bank, when the lake level is lowered in the off season these slips will take over much of the water space left that fishermen use to get from one side of the lake to the other. With the speeds these boats are designed for and go this is definitely a great cause for concern.

The fact that this has even gone to the point of consideration is perplexing. Most if not all community access docks are in coves or areas of the lake that are large enough to accommodate them without the possibility of causing harm or intrusion. Residents of this new development that purchase lake front property should be permitted private visually appealing docks for personal access. This would be their rite **but allowing everyone in this large neighborhood to have access in this part of the lake is absurd**. If they are or will be boat owners, there are two TVA access boat ramps within a mile or so of the property. One located on Pickens Bridge Road and the other on Bristol Highway at Winged Deer Park. It seems like money is the motivating factor over safety and lake conservation and I feel the developers will have plenty of financial

07 NOV 2007

opportunities subdividing and selling the numerous plots to include several with lake-frontage encompassing this 80 acre plot of land.

Thank you for your consideration,

A handwritten signature in cursive script, appearing to read "William Pollack". The signature is written in dark ink and is positioned below the text "Thank you for your consideration,".

JAMES H. GODFREY, M.D.

689 Rangewood Road
Piney Flats, Tennessee 37686
USA

Phone 423-282-6433
Email: jhgodfreymd@embarqmail.com

November 8, 2007

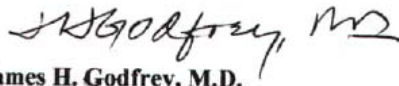
Regulatory Branch
3720 Bell Road
Nashville, TN 37214-2660

Attention: Travis Wiley

Dear Sir:

I am writing in opposition to the proposed building of 60 slips along Watauga River Mile 7.2 R, Boone Lake, Sullivan County, Tennessee, by the developers of The Cliffs at Boone Lake. I am a resident living along the lake nearby and know that section to be a particularly narrow one where there is already heavy activity during the summer. There is already a small marina across the lake from this area owned by the residents of Lake Meadows. I think it is unreasonable for there to be slips for 60 boats in this area just because there is a subdivision adjacent to the lake with a large number of homes in it. The lake is getting so crowded that it seems to me the time has come to limit the slips on the lake to just those who are living on the property adjacent to the lake, not to the whole subdivision, which can be huge, as this one is. I am opposed to this project and would at least like to see a public hearing concerning it.

Sincerely,



James H. Godfrey, M.D.

NOV 2007
13 NOV 2007

9TW
5
11/6

October 31, 2007

US Army Corps of Engineers
Regulatory Branch, Att: Mr. Travis Wiley
3701 Bell Road
Nashville, TN. 37214-2660

Subject: Revision of Original Public Notice 07-88, Proposed Construction of Three Floating Community Dock Structures at Watauga River Mile 7.2 R, Boone Lake, Sullivan County, Tennessee (The Cliffs Subdivision)

Dear Mr. Wiley:

As a boater and skier on Boone Lake, I have recently become aware of a proposed dock that is planned to extend 70 feet into the channel across from the Lake Meadows subdivision. Due to the narrow, windy section of this channel, adding what seems to be a Marina in the middle of this channel will create a situation that could easily result in frequent boating accidents. A construction of this size is usually reserved for a cover or someplace out of the way as to minimize safety issues and avoid congestion.

I also understand that members of the Lake Meadows Home Owners Association have requested a public hearing to discuss the potential approval of this development. I would also like to be present to voice my concerns and objections.

Sincerely,



Mark deFluiter

05 NOV 2007

→TW
or
11/4

30 October 2007

US Army Corps of Engineers
Regulatory Branch, Att.: Mr. Travis Wiley
3701 Bell Road
Nashville, Tennessee 37214-2660

Subject: Revision of Original Public Notice 07-88, Proposed construction of three floating community dock structures at Watauga River Mile 7.2 R, Boone Lake, Sullivan County, Tennessee (The Cliffs Subdivision)

Dear Mr. Wiley,

My husband and I are residents of Lake Meadows Subdivision located directly across the channel from the proposed community dock structures. We strongly oppose the construction of these docks as they are proposed. This area of the lake is incredibly busy and at present is what we consider one of the more dangerous areas on the lake. Just last summer a boat was capsized due to traffic and four elderly people were dumped at the end of our dock, thankfully with only minor injuries.

Decreasing the width of this channel by 70 feet will create even greater safety issues with our community residents and also the boating public.

The proposed marina is significantly greater than the lake frontage will accommodate and this cliff also creates a magnified echo, thus creating an increased noise pollution level.

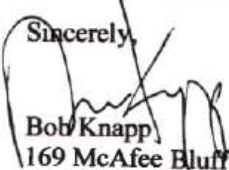
Part of the beauty of living on the lake is the aesthetic value of our views. This proposed marina will significantly mar the visual aesthetics for a large number of homes in our community.

We would invite a public hearing to address these and other issues with this proposal.

Our concerns are:

1. **Safety of boating public and our residents if approval is given**
2. **Audible and visible pollution factors**
3. **Erosion issues with properties located on the lake**
4. **Excessive number of slips proposed in relation to lake frontage available**

Sincerely,


Bob Knapp
169 McAfee Bluff
Gray, Tennessee 37615
423.676.1001


Terri Knapp

05 NOV 2007

→ TN
✓
11/12

November 6, 2007

Mr. Josh Guinn, President
Lake Meadows Homeowners' Assoc., Inc.
168 McAfee Bluff
Gray, Tennessee 37615

US Army Corps of Engineers
Regulatory Branch, Att: Mr. Travis Wiley
3701 Bell Road
Nashville, Tennessee 37214-2660

Subject: Revision of Original Public Notice 07-88, Proposed Construction of Three Floating Community Dock Structures at Watauga River Mile 7.2 R, Boone Lake, Sullivan County, Tennessee (The Cliffs Subdivision)

Dear Mr. Wiley:

The Lake Meadows Homeowners Association, Inc., is comprised of approximately seventy (70) lots directly across the channel from the proposed community dock structures. After an informal meeting was called with many of our home owners present it was determined that we as an association must oppose the construction of the community dock structures as proposed. Currently this is a widely traveled area of the lake. Decreasing the width of the channel by seventy (70) feet (the number of feet that the docks will project into the channel) will narrow the channel significantly creating safety issues with our residents and the boating public. Due to the minimal amount of lake frontage we also feel that there is an excessive number of slips proposed. Currently the bank along the proposed development is limestone rock cliffs which will reverberate noise at a high level. The docks would also affect the aesthetics visually from a large number of the lots in our subdivision.

Lastly, our association would request a public hearing to be held concerning the consideration of this issue. Many of our residents have different reasons for opposing this dock development and would like to address them. Our reasons for holding the public hearing are to discuss the following:

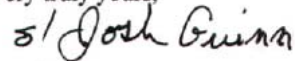
1. the safety of the area residents and the boating public if these docks are approved as proposed.
2. the detrimental aesthetics effects upon the area visually and audibly.
3. the detrimental effects that the increased boat traffic from the docks will cause to the erosion of the properties at Lake Meadows.

0 9 NOV 2007

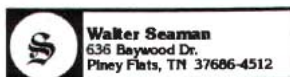
Page 2
Mr. Wiley
November 6, 2007

4. the excessive number of slips proposed in relation to the minimal amount of lake frontage that the subdivision has.

Very truly yours,

A handwritten signature in black ink that reads "s/ Josh Guinn". The signature is written in a cursive, slightly slanted style.

Josh Guinn, President
Lake Meadows Homeowners' Association, Inc.



→ TN
or
11/12

Nov. 5, 2007

U.S. ARMY CORPS OF ENGINEERS

REGULATORY BRANCH

3701 BELL RD

NASHVILLE, TN 37214

ATTN: TRANS NILEY

SUBJECT: APP NO 200702061

DEAR SIR:

I REQUEST A PUBLIC HEARING FOR THIS APPLICATION
IN VIEW OF SEVERAL CONCERNS: CHANNEL WIDTH
REDUCTION, NO. OF BOAT SLIPS, DOCK ENCROACHMENT WITH
GANGWAYS INTO CHANNEL. MY PROPERTY IS ADJACENT
TO THIS ON DOWNSTREAM SIDE

SINCERELY

W. W. Seaman

07 NOV 2007

→ TR
WS
11/12

Janine and Randy Wykoff
206 Lake Meadow Drive
Johnson City, TN 37614

Regulatory Branch
3701 Bell Road
Nashville, Tennessee 37214-2660
Attn: Travis Wiley

Reference: Public Notice: 07-88A
Application: 200702061
Construction of Three Floating Community Dock Structures as
Watauga River Mile 7.2 R, Boone Lake, Sullivan County, Tennessee
(The Cliffs Subdivision)

Dear Mr. Wiley;

We very much appreciate the opportunity to submit public comment about the above-mentioned proposal.

We would make three specific points for your consideration:

1. This proposal is excessive. As proposed, there will be three separate boat docks, each 244 feet in length—essentially completely blocking over 700 feet of the cliffs. These docks will be constructed directly in the main channel of the river—something that no other set of boat docks/marina of this size in Boone Lake has been permitted to do. Overall, over 700 feet of cliff-face will be blocked by a development that has only 14 lake-front lots! You should understand that there are no comparable boat docks in this portion of Boone Lake. Most homes have individual boat-docks, and some neighborhoods have relatively small neighborhood boat docks, usually in protected coves, that are perpendicular to, and not to parallel with, the bank. There is no neighborhood, that I am aware of, that completely obstructs the entire lake-front with a boat dock. There are many other homes that have been built on the top of the cliffs, and, when permitted by the terrain, have individual boat docks. With some reconsideration, I am sure that the Cliffs Subdivision, could develop a plan that is more consistent with the prevailing use patterns on the Lake, and more respectful of the broader desire of all Lake users to be able to see the cliff face.
2. This proposal will pose a potential safety hazard. As proposed, this set of boat docks/marina will sit out at least 70 feet from the cliffs, directly in the deepest water channel of the lake. As your records will clearly indicate, this is a high volume channel with many boats driving by both day and night. Some boats travel at very high speed through this area. There is also significant use of this

09 NOV 2007

channel by those tubing, wake-boarding and water-skiing. The risk of a boat-related injury, as a result of this proposed marina will be significant:

- a. Boats will be forced into a more narrow channel, increasing the concentration and inter-mixing of boats, wake-boarders, swimmers, kayakers and others in non-motorized vehicles into a smaller section of the lake;
 - b. There will be boats pulling out of or backing into, essentially blindly, the main channel of the lake—directly into the path of high speed boat traffic;
 - c. You will have increased items floating in the lake increasing the risk of a boat striking a foreign object;
 - d. You will have an area of decreased visibility, especially at night.
3. **This proposal does not appear to be practical or realistic.** As proposed, the only pedestrian access to this boat dock/marina will be down a steep cliff face, currently defined as the “Common Area.” According to the plan and our own observations, there is no way of accessing the lake without a steep, and long, set of steps. As you well know, people who use boat docks on Boone Lake frequently need to carry large, bulky, and/or heavy items to their boats—tanks of gas, inner tubes, wake-boards, ropes, battery chargers, etc. All neighborhood docks that we are aware of permit access by car and golf cart. It seems impractical for over 60 boat owners, their families and friends, to make the trip up and down the long single set of steps to access the boat dock. The bottom line is that this development simply does not lend itself to a boat dock for over 60 boats. We understand that the number of boat docks is calculated based on the number of interior lots in a development. It would also be very important to determine if the proposal for 172 home-sites is really a **feasible economic projection.** Are there any other developments in Sullivan county where this many home-sites have been placed on lots of this size and at this price?

We are not opposed to further development on Boone Lake. As recent home builders on the Lake, we appreciate and welcome the careful and thoughtful development that has characterized the recent development of the Lake. We would ask that the Cliffs Subdivision be held to these same standards and that another, more reasonable and appropriate plan for boat docks be developed and submitted for public comment.

In addition to the comments submitted above, you have asked for specific comments in the following areas:

1. Conservation: As you well know, large boat docks and marinas are an **inevitable source of pollution entering the lake—gas spills, oil spills, solid waste refuse and items dropped into the lake are all significantly increased** around marinas. Adding over 60 boat slips, in the main channel of the river, will add to pollution in the lake.
2. Economics: Except for the developers of the property, and those associated with building the homes, **this project will have a negative economic impact.** For example, **the value of the homes across the lake will diminish significantly,** as a result of increased noise, increased erosion, and loss of view.

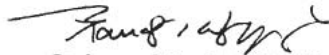
3. Aesthetics: As you know, these cliffs represent one of the most beautiful and undeveloped cliff-faces in Boone Lake. They are stunningly beautiful and represent what many people feel is the most aesthetically pleasing aspect of living and boating on Boone Lake. It is illogical to approve a proposal that completely destroys the beauty of these cliffs, when many other developments on Boone Lake have shown that it is possible to put beautiful homes in on the tops of some of the cliffs in Boone Lake without completely blocking the view and access of the cliffs. No other neighborhood has proposed such a complete "wall to wall" boat docks—especially for a neighborhood that has only 14 lake-front lots. As you know, these cliffs housed a turkey buzzard rookery this past season, and appeared to be the nesting area for the herons. Raccoons also live on the cliffs. Destroying the aesthetics of the cliffs so completely can not be in anyone's long-term interest—and many other much less disruptive options exist.
4. General Environmental Concerns: Please see the comments under "Conservation" above.
5. Wetlands: No concerns
6. Cultural Values: Should a single development be permitted to entirely destroy the aesthetics of a cliff/lake interface? There are two other large public marinas, each within 2 miles of the proposed development. There is a public boat ramp within one mile. In other words, a large number of boat docks is not necessary to permit public access to the lake. I am aware of no other development on the lake where so many home-owners who do not have a lake-front lot are being provided with a private boat slip. At what point should the beauty of the lake, the cleanliness of the water, and the safety of all water users be compromised in such a comprehensive way?
7. Fish and Wildlife Values: No concerns except for the loss of roosting sites for turkey buzzards and herons.
8. Flood hazards: No concerns.
9. Floodplain Values: No concerns.
10. Land Use: In addition to the comments made above, it should be pointed out that the historic railroad bed that is still extant at the base of the cliff will be significantly and, potentially, permanently compromised by this development.
11. Navigation: These boat docks will be in the main channel of the lake. This poses a significant safety risk, as outlined above.
12. Shore Erosion and Accretion: All of the home owners on the opposite side of the lake will tell you that they are already facing significant problems with soil erosion as a result of the boat-generated waves on the lake. The proposed boat docks will have two negative impacts on this:
 - a. It will significantly increase the number of boats generating waves in that portion of the lake; and
 - b. It will cause all boats to travel closer to the opposite bank in order to avoid the dangers associated with the new marina.
13. Recreation: Increased boat traffic and moving existing traffic towards the other shore will limit the space currently available for recreational activities—including swimming, kayaking, fishing, wake-boarding, and tubing.

14. Water Supply and Conservation: No concerns
15. Water Quality: As mentioned, there will be **an increase in water pollutants** as a result of this marina—especially gas and oil spills, solid waste, and items that fall, or are blown off the boats or docks.
16. Energy Needs: No concerns except that, for safety sake, it is probable that the full 700 feet of marina, located in a high traffic, high speed boating area, all walkways and access ramps **will have to be lit 24 hours a day**. Additionally, the marina itself will have to be lit at night to avoid being struck by boats.
17. Safety: As mentioned above, this boat dock poses a series of threats that will increase the chance of an accident.
18. Food and Fiber Production: No concerns
19. Mineral Needs: No concerns
20. Considerations of Property Ownership: This proposed boat dock/marina will **compromise the value of all property in the area**.
21. Needs and Welfare of the People: It is clear that the greater good of the majority will be compromised by the narrow good of the few.

We are not opposed to development, either on the Lake in general, or in the area of the "Cliffs" in particular. We would simply ask that this development be consistent with the principles and practices that has guided recent development on the Lake, and reflect consideration for the least disruptive options.

We appreciate the opportunity to share our thoughts and observations with you. We **formally request the opportunity to engage in further discussion during a public hearing.**

Sincerely,


Janine and Randy Wykoff

Janine and Randy Wykoff
206 Lake Meadow Drive
Johnson City, TN 37614

Regulatory Branch
3701 Bell Road
Nashville, Tennessee 37214-2660
Attn: Travis Wiley

Reference: Public Notice: 07-88A
Application: 200702061
Construction of Three Floating Community Dock Structures as
Watauga River Mile 7.2 R, Boone Lake, Sullivan County, Tennessee
(The Cliffs Subdivision)

SECOND LETTER

Dear Sir;


Some months ago, I mailed the attached letter to you. Since that time, I have not heard from you, nor from your office.

While I have heard from the Developer of the above-mentioned project—with whom you shared my letter—I would assume, and hope, that that response does not represent the entirety of your intent to respond to my letter and to others received.

I would appreciate a response from you regarding this project and your intentions, if any, to hold a public hearing, as has been requested.

Additionally, I would appreciate hearing from you the process that I might go through to request a FOIA on all relevant documents, should I choose to pursue that route.

Many thanks,


Janine Wykoff

30 JAN 2008

association must oppose the construction of the community dock structures as proposed. Currently this is a widely traveled area of the lake. Decreasing the width of the channel by seventy (70) feet (the number of feet that the docks will project into the channel) will narrow the channel significantly creating safety issues with our residents and the boating public. Due to the minimal amount of lake frontage we also feel that there is an excessive number of slips proposed. Currently the bank along the proposed development is limestone rock cliffs which will reverberate noise at a high level. The docks would also affect the aesthetics visually from a large number of the lots in our subdivision.

Lastly, our association would request a public hearing to be held concerning the consideration of this issue. Many of our residents have different reasons for opposing this dock development and would like to address them. Our reasons for holding the public hearing are to discuss the following:

1. the safety of the area residents and the boating public if these docks are approved as proposed.
2. the detrimental aesthetics effects upon the area visually and audibly.
3. the detrimental effects that the increased boat traffic from the docks will cause to the erosion of the properties at Lake Meadows.
4. the excessive number of slips proposed in relation to the minimal amount of lake frontage that the subdivision has.

Looking forward to hearing from you.

Best regards,

Jerry & Donna
The Jerry Coffey Family

Page intentionally blank

Appendix E
Applicant's Rebuttal

Page intentionally blank

Ref: Boat Slips permit application for "The Cliffs at Boone Lake" Development.

We have received a copy of your letter as well as several other letters expressing concerns about our proposed boat slips to be located at Watauga River Mile 7.2 R, Boone Lake, Sullivan Co. TN. I would like to take this opportunity to address these concerns.

After studying each of these letters it appears the concerns can be organized into four broad categories. Although these categories have been expressed in several different forms they can be identified as concerns about Safety, the Environment, Economics, and Historic.

In regard to the reduction of channel width by allowing the 70 feet of intrusion into the channel, let me point to a very important mistake we made in the application for the permit. The Application depicted the structures to intrude into the channel 70 feet when in fact **they will only intrude 50 feet**. A correction to this error is currently being submitted to TVA. **A 50 foot intrusion into a 600 foot channel, as measured by TVA, is only 8.34 percent of the total channel.**

It should be noted that **with our 1200 feet of shoreline we are well within TVA guidelines with 60 slips**. When you consider that **the slips take up less than 10 percent of the channel, 60 slips would not adversely affect navigation of this channel any more than 1 would**. The speed at which one navigates this waterway can only be determined by the operator of the boat and not this development.

The **amount of traffic through this channel should not increase** as hundreds of people use this lake during the summer season for water entertainment and do not live on the lake.

Environmental concerns are our concerns also. **We intend to comply with all requirements set forth by the Tennessee Department of Environment and Conservation.**

We have no intention of blocking any views or denuding these Rock Cliffs. By restoring the railroad bed the view of the cliffs will probably be much better. The slips will not protrude much above the railroad bed. We do intend to provide golf cart access around the east side of the property and along the railroad bed the entire length of the water front. The common area shown on the layout, which was done early in the design process, will become the Club House with an overlook of the lake at the rear for the benefit of those in the development. **There is no intention of building stairways of any kind on these Cliffs and we will restrict property owners from doing so in the subdivision regulations, in an effort to preserve the cliff habitat and view.**

Noise pollution is probably out of our control but should not be greater than it currently is. Hundreds of boats navigate up and down the lake during boating season and many of these people do not currently live on the lake.

Shore line erosion is also out of our control as boat operators make their own decision as to what speed and how close to the shore they navigate the lake. After these slips are

installed better than 90 percent of the channel remains for navigation. It is possible that the slips we are proposing will encourage people to travel more slowly much as speed bumps do for traffic on roadways.

Water pollution should significantly decrease over the long term as a result of this development. **Much of the pollution in the lake comes from wastewater contamination from leaking field beds.** The Cliffs at Boone Lake General Partnership has chosen, with the blessing of The City of Johnson City, to invest in bringing Sanitary Sewer to the development with Pumping Stations sized to handle the entire northeast side of the lake. This is monumental because without this project, or one of equal size, the Northeast side of Boone Lake would in all probability never have access to Sanitary Sewer.

The economic impact will be immense for the State, Sullivan County, and the City of Johnson City upon completion of this development. With current property tax rates, this project will **generate in excess of \$500,000 annually for Sullivan County and \$400,000 in one time water and sewer tap fees for Johnson City.** **An additional \$200,000 annually will be generated through monthly water and sewer fees for Johnson City without consideration of any future expansion of sewer on the north side that is being made possible by this development..** Without this kind of development, Rangewood road will in all probability never be improved.

Homebuilders will invest \$50,000,000 to \$75,000,000 in building construction materials costs generating **another \$5,000,000 in sales tax revenues for state and county.** These numbers do not consider the full economic impact on the area as money usually turns over 4 to 7 times depending on which economist you talk to.

The developers are currently contracting an archeological survey of the property in order to insure it does not disturb any significant historical sites. The importance of the old railroad bed to the development is great. **We intend to restore the railroad bed to become not only the water-front but also the "focal" point of the development.**

Finally, the Cliffs At Boone Lake General Partners want to be good citizens on Boone Lake as we have demonstrated with the extent of commitment and investment in this development. It would not be in our best economic interest to jeopardize the safety of the boating public, harm the environment, or destroy the historical significance of this property. **History proves that developments of this quality tend to increase the property values of the surrounding properties rather than decrease them.** We expect the same of this development.

Sincerely:

Gerald D. Thomas, President
THE CLIFFS AT BOONE LAKE GENERAL PARTNERSHIP

Appendix F

Additional Tennessee State Historic Preservation Letters

Page intentionally blank



TENNESSEE HISTORICAL COMMISSION
DEPARTMENT OF ENVIRONMENT AND CONSERVATION
2941 LEBANON ROAD
NASHVILLE, TN 37243-0442
(615) 532-1550

January 9, 2008

Dr. Thomas Maher
Tennessee Valley Authority
400 W. Summit Hill Drive
WT 11D - Cultural Resources
Knoxville, Tennessee 37902

RE: TVA, BOAT DOCK & PATH/WATAUGA RM 7.26R,
UNINCORPORATED, SULLIVAN COUNTY

Dear Dr. Maher:

At your request, our office has reviewed the above-referenced undertaking in accordance with regulations codified at 36 CFR 800 (Federal Register, December 12, 2000, 77698-77739). Given the limited involvement of the TVA in this undertaking, we concur with your agency's definition of the area of potential effect.

It is our understanding that an archaeological survey has already been conducted on behalf of the developer for the entire Cliffs at Boone Lake Subdivision. We concur that such a survey was warranted. Please include this survey report with your future consultation documentation regarding this undertaking.

Your continued cooperation is appreciated.

Sincerely,

E. Patrick McIntyre, Jr.
Executive Director and
State Historic Preservation Officer

EPM/jmb



TENNESSEE HISTORICAL COMMISSION
DEPARTMENT OF ENVIRONMENT AND CONSERVATION
2941 LEBANON ROAD
NASHVILLE, TN 37243-0442
(615) 532-1550

April 16, 2008

Dr. Thomas O. Maher
Tennessee Valley Authority
400 West Summit Hill Dr.
Knoxville, Tennessee, 37902-1499

RE: TVA, CULTURAL RESOURCES SURVEY REPORT, BOAT DOCK & PATH/THE BLUFFS,
UNINCORPORATED, SULLIVAN COUNTY

Dear Dr. Maher:

Pursuant to your request, received on Tuesday, April 1, 2008, this office has reviewed documentation concerning the above-referenced undertaking. This review is a requirement of Section 106 of the National Historic Preservation Act for compliance by the participating federal agency or applicant for federal assistance. Procedures for implementing Section 106 of the Act are codified at 36 CFR 800 (Federal Register, December 12, 2000, 77698-77739)

Considering the information provided, we find that the area of potential effects for this undertaking contains no historic properties eligible for listing in the National Register of Historic Places. You should notify interested persons and make the documentation associated with this finding available to the public.

If your agency proposes any modifications in current project plans or discovers any archaeological remains during the ground disturbance or construction phase, please contact this office to determine what further action, if any, will be necessary to comply with Section 106 of the National Historic Preservation Act.

This office appreciates your cooperation.

E. Patrick McIntyre
Executive Director and
State Historic Preservation Officer

EPM/jyg